

Applicant : Collins, et al.
Serial No. : 10/785,266
Filed : February 24, 2004
Page : 2 of 3

Attorney's Docket No.: 07039-658002 / MMV 99-073

REMARKS

Claims 1, 4-11, 20-27, 33-44, and 47-62 are pending. In the Final Office Action of November 30, 2005, the Examiner maintained her rejections of all claims. Applicants have not amended, cancelled, or added any claims herein. Accordingly, claims 1, 4-11, 20-27, 33-44, and 47-62 remain pending.

Obviousness-type Double Patenting

The Examiner maintained her rejections of claims 1, 4-11, 20-27, 33-44, and 47-62 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-10, 15, 16, 19, 21, 23-26, 28-31, and 34-41 of U.S. Patent No. 6,838,073.

Applicants attach herein a Terminal Disclaimer under 37 C.F.R. §§ 3.73(b) and 1.321(b). Pursuant to 37 C.F.R. § 1.321(b), and to obviate a double patenting rejection, the Assignees identified therein waive and disclaim the terminal portion of the term of the entire patent to be granted upon the above-referenced application subsequent to the expiration date of U.S. Patent No. 6,838,073, provided that any patent granted on the above-referenced application shall be enforceable only for and during such period that it is commonly owned with U.S. Patent No. 6,838,073.

The Assignees do not disclaim any terminal part of any patent granted on the above-referenced application prior to the expiration date of the full statutory term of U.S. Patent No. 6,838,073 in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. § 1.321(a), has all claims cancelled by a reexamination certificate, or is otherwise terminated prior to expiration of its statutory term, except for the separation of legal title as stated above. Assignees herein do not disclaim or otherwise affect any part of U.S. Patent No. 6,838,073.

Applicants respectfully assert that the Examiner's obviousness-type double patenting rejections are now moot, and request the withdrawal of the rejections.

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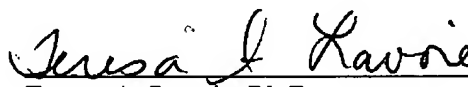
CONCLUSION

Applicants respectfully assert that all claims are in condition for allowance, which action is hereby requested. The Examiner is invited to telephone the under-signed attorney if such would expedite prosecution.

Please apply the two-month petition for extension of time fee and any other charges or credits to deposit account 06-1050.

Respectfully submitted,

Date: 5/1/06



Teresa A. Lavoie, Ph.D.
Reg. No. 42,782

Fish & Richardson P.C.
60 South Sixth Street
Suite 3300
Minneapolis, MN 55402
Telephone: (612) 335-5070
Facsimile: (612) 288-9696

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